

REMARKS

In an effort to expedite allowance of the present application, Applicants have cancelled claims 5, and 12-52, without prejudice or disclaimer. Applicants reserve the right to prosecute claims directed to the cancelled subject matter in a continuation or divisional application.

Applicants have also amended claims 1-4, 6-7, and 10-11 to expedite allowance of the present application. As amended, Applicants claims now require measuring the level of expression of the elected species, NM_003900 Sequestosome 1 in cells after contact with smoke obtained from a first tobacco product and a second tobacco product. Applicants reserve the right to prosecute claims directed to the subject matter that was removed from the claims in a continuation or divisional application. Support for the present amendments can be found in the specification and claims as originally filed with the application (e.g., paragraphs 009, 0010, 0014, 0015, 0041, 0046, 0049, 0050, 0051, 0052, Examples 1, 9, 10, in particular, paragraphs 0168, Table 11, paragraphs 0197, 0198, 0199, 0200, and original claims 1 and 18). Accordingly, no new matter has been introduced by these amendments.

Restriction Requirement

In the Restriction Requirement mailed June 12, 2009, the Examiner has required restriction of prosecution to one of five groups of inventions. In response, Applicants elect, without traverse, to prosecute claims directed to the invention identified by the Examiner as Group I, drawn to method of making a tobacco product, encompassing Claims 1-20 (*see Office Action page 2, paragraph 1*).

The Examiner has also asked that Applicants elect a species to be examined and identification of the claims encompassing the elected invention. Applicants have elected to prosecute claims directed to the species of NM_003900 Sequestosome 1 and claims 1-4 and 6-11 read-on the elected species.

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Applicants believe that they have properly responded to the Office Action mailed June 12, 2009 and respectfully submit that the claims are ready for examination on the merits. Should any issues remain, Applicants request that the Examiner contact the undersigned at 619-687-8643 (direct line).

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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